

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**DUC NGOC HUYNH,**

**Petitioner,**

**vs.**

**UNITED STATES OF AMERICA,**

**Respondent.**

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**CIVIL ACTION NO. 08-00297-CG-B  
CRIM. ACTION NO. 06-00041-CG-B**

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that Petitioner's Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 is denied. It is further **ORDERED** that Petitioner is not entitled to a certificate of appealability nor to appeal in forma pauperis.

**DONE and ORDERED** this 23rd day of March, 2011.

/s/ Callie V. S. Granade  
UNITED STATES DISTRICT JUDGE